

Jul 16, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,
v.

AMANDA LEE MCGEE,

Defendant.

No. 2:18-CR-00083-TOR-1

ORDER GRANTING MOTION TO
MODIFY AND SETTING
CONDITIONS

MOTION GRANTED
(ECF No. 31)

Before the Court is Defendant's Motion to Modify and Release on Pretrial Release Conditions. ECF No. 31. Defendant advises that she will successfully graduate, and be released from, inpatient treatment today, July 16, 2018. ECF No. 31 at 1. She further advises that she has secured housing at the ROAR Housing Program, a clean and sober living facility, beginning today. ECF No. 31 at 3.

Defendant recites that U.S. Probation does not oppose the motion and that the United States defers to the Court. ECF No. 31 at 3-4.

Accordingly, **IT IS ORDERED** that Defendant be released to reside at the ROAR Housing Program, subject to the following conditions:

ORDER - 1

STANDARD CONDITIONS OF RELEASE

- (1) Defendant shall not commit any offense in violation of federal, state or local law. Defendant shall advise the supervising Pretrial Services Officer and defense counsel within one business day of any charge, arrest, or contact with law enforcement. Defendant shall not work for the United States government or any federal or state law enforcement agency, unless Defendant first notifies the supervising Pretrial Services Officer in the captioned matter.
- (2) Defendant shall reside at an address approved by Pretrial Services, and shall advise Pretrial Services in writing before any change in address and telephone number.
- (3) Defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed.
- (4) Defendant shall sign and complete A.O. Form 199C before being released and shall reside at the address furnished.
- (5) Defendant shall not possess a firearm, destructive device or other dangerous weapon.
- (6) Defendant shall report to the United States Probation Office before or immediately after release and shall report as often as they direct, at such times and in such manner as they direct.
- (7) Defendant shall contact defense counsel at least once a week.
- (8) Defendant is further advised, pursuant to 18 U.S.C. § 922(n), it is unlawful for any person who is under indictment for a crime punishable by imprisonment for a term exceeding one year, to possess, ship or transport in interstate or foreign commerce any firearm or ammunition or receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.
- (9) Defendant shall refrain from the use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

1 (10) Defendant shall surrender any passport to Pretrial Services and shall not apply
2 for a new passport.

3 **ADDITIONAL CONDITIONS OF RELEASE**

4 (14) Defendant shall remain in the Eastern District of Washington while the case
5 is pending. By timely motion clearly stating whether opposing counsel and
6 Pretrial Services object to the request, Defendant may be permitted to travel
7 outside this geographical area.

8 (15) Avoid all contact, direct or indirect, with any persons who Defendant would
9 reasonably know are or may become a victim or potential witness in the
10 subject investigation or prosecution. Pretrial Services may but is not required
11 to exempt specific named individuals from this prohibition, including but not
12 limited to immediate family members or co-workers.

13 (17) Undergo a mental health evaluation and complete any recommended
14 treatment as directed by Pretrial Services.

15 (18) Refrain from any use of alcohol.

16 **SUBSTANCE ABUSE EVALUATION AND TREATMENT**

17 If Defendant is required to submit to a substance abuse evaluation, inpatient
18 or outpatient treatment, the following shall apply:

19 Defendant shall complete treatment indicated by an evaluation or
20 recommended by Pretrial Services, as well as any recommended follow up or
21 “maintenance” program, and shall comply with all rules of the treatment program.
22 Defendant shall be responsible for the cost of testing, evaluation and treatment,
23 unless the United States Probation Office should determine otherwise. The United
24 States Probation Office shall also determine the time and place of testing and
25 evaluation and the scope of treatment.

26 Prior to commencing any evaluation or treatment program, Defendant shall
27 provide waivers of confidentiality permitting the United States Probation Office and
28 the treatment provider to exchange without qualification, in any form and at any
time, any and all information or records related to Defendant’s conditions of release
and supervision, and evaluation, treatment and performance in the program. It shall
be the responsibility of defense counsel to provide such waivers.

1 *PROVIDED* that Defendant's treatment and release from custody is on the
2 express condition that treatment not hinder or delay the adjudication of this case, and
3 that Defendant appear in person when required regardless of treatment status, and
4 maintain adequate contact with defense counsel.

5 **(27) Prohibited Substance Testing: If random urinalysis testing is not done**
6 **through a treatment program, random urinalysis testing shall be**
7 **conducted through Pretrial Services, and shall not exceed six (6) times**
8 **per month.** Defendant shall submit to any method of testing required by the
9 Pretrial Service Office for determining whether the Defendant is using a
10 prohibited substance. Such methods may be used with random frequency and
11 include urine testing, the wearing of a sweat patch, a remote alcohol testing
12 system, and/or any form of prohibited substance screening or testing.
13 Defendant shall refrain from obstructing or attempting to obstruct or tamper,
14 in any fashion, with the efficiency and accuracy of prohibited substance
15 testing.

16 If a party desires that another Court review this order pursuant to 18 U.S.C. §
17 3145, that party shall promptly file a motion for review before the district judge to
18 whom the case is assigned, as further described in the Detention Order Review
19 Protocol published for the Eastern District of Washington. Both parties shall
20 cooperate to insure that the motion is promptly determined.

21 Defendant's motion, **ECF No. 31**, is hereby **GRANTED**.

22 **IT IS SO ORDERED.**

23 DATED July 16, 2018.



25

A handwritten signature in black ink, appearing to be "M" or "Rodgers", written over a horizontal line.

26 JOHN T. RODGERS
27 UNITED STATES MAGISTRATE JUDGE
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